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January 4, 2006

**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.

★ JAN 09 2006 ★

BROOKLYN OFFICE

VIA ELECTRONIC FILING & FACSIMILE

Honorable David G. Trager  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Honorable Joan M. Azrack  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Advance Relocation & Storage Co., Inc. v. Local 814,  
Teamsters, AFL-CIO et al.*  
Index No.: 03-CV-4475 (JT-MA)  
RR File No.: 000175-00002

Dear Judge Trager and Magistrate Azrack:

As you are aware, this Firm represents the plaintiff, Advance Relocation and Storage Co., Inc. ("Advance") in the above-referenced matter. On December 19, 2005, Diana Parker, Esq., the attorney for defendants Globe Storage & Moving Co., Inc. and Alan Fleisher (the "Globe defendants"), served plaintiff with a motion for sanctions pursuant to Rule 11, Fed. R. Civ. P.<sup>1</sup>

We have every intention of addressing this motion in a timely fashion, however, on December 23, 2005, the partner handling this matter, Kenneth A. Novikoff, Esq., was advised that his wife has an aneurysm on her brain. As such, Mr. Novikoff has been taking his wife to various doctors and has not been at work over the course of the last two weeks.

<sup>1</sup> The Globe defendants' also moved pursuant to 28 U.S.C. § 1927 and seek sanctions against this Firm, Jonathan Farrell, Esq., Kenneth A. Novikoff, Esq., plaintiff and plaintiff's CEO, James Molloy.

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# RIVKIN RADLER LLP

ATTORNEYS AT LAW

Honorable David G. Trager  
 Honorable Joan M. Azrack  
 January 4, 2006  
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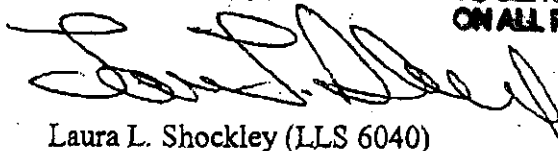
Due to these factors, I would like to schedule a conference with the Court to address the above issues in more detail and request additional time to discuss the motion with our client and further analyze the position asserted by the Globe defendants in order to respond to said motion in an appropriate manner prior to it being filed with the Court pursuant to Rule 11 (c)(1)(A).<sup>2</sup>

Additionally, in correspondence dated December 27, 2005, Ms. Parker advised plaintiff that, absent a Court order, she refused to produce her clients for their respective depositions.<sup>3</sup> Despite Ms. Parker's claims that plaintiff's case is frivolous, her actions effectively deprive plaintiff of the right to depose these defendants and further analyze and respond to the Globe defendants' motion.

I respectfully request the opportunity to discuss these issues with the Court prior to the end of this week so that my request for an extension of time can be addressed before the Rule 11 (c)(1)(A) deadline on Monday.

Respectfully submitted,

RIVKIN RADLER LLP



Laura L. Shockley (LLS 6040)

**MOVANT'S COUNSEL IS DIRECTED  
 TO SERVE A COPY OF THIS ORDER  
 ON ALL PARTIES UPON RECEIPT**

cc: Kenneth A. Novikoff, Esq.  
 All Counsel

*Counsel's application for  
 additional time to review  
 if motion is granted to Feb 10, 2006.  
 If a conference is necessary after that date  
 counsel may contact the court by telephone to  
 schedule.*

s/Joan M. Azrack *LSM*  
*1/5/06*

<sup>2</sup> Pursuant to Rule 11, plaintiff currently has until January 9, 2006 to withdraw or appropriately correct the challenged allegations.

<sup>3</sup> The deposition of Mr. Fleisher was noticed for today and the deposition of Globe was noticed for tomorrow, January 5, 2006.

**MOVANT'S COUNSEL IS DIRECTED  
 TO SERVE A COPY OF THIS ORDER  
 ON ALL PARTIES UPON RECEIPT**